

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
September 28, 2010
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Tony Carey, Trustees Jim Wollack, Rafer Burnham, Sue Wedel, Fred Skates and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Permit Tech Kathy Larson, Administrative Services Director Bryan Ostler and Planning Director Jennifer Simmons. Audience was also present.

ROLL CALL Mayor Doering indicated roll call was taken at called at the beginning of the Special Meeting; all Trustees were present. Tonight's meeting began at 7:15p.m.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA The consideration of renting 318 4th Street was added to tonight's agenda.

SPECIAL PRESENTATION

Odyssey of Minds Presentation: Four students from Carbon Valley Academy related their experiences at the Odyssey of the Minds in East Lansing, Michigan at Michigan State University. They showed the Board various pins from other states and countries that they had collected. Mayor Doering presented each of the participants with a Town of Frederick pin to add to their collections.

PUBLIC COMMENTS

Larry Frank, Frederick High School Boys Basketball Coach requested a donation of \$400 to allow 100 students who wouldn't normally be able to attend a basketball game free entry. It has been a huge success in years past. Frank stated that there will be free food for the students from local restaurants as well. Trustee Schiers made a motion to donate \$400 to Frederick High School. Trustee Wedel seconded the motion. All in favor, motion carried.

Trustee Carey asked Town Administrator Derek Todd to explain where the money for donations comes from. Todd said that the donation monies are given from mineral (oil and gas) royalties that the Town receives. Tax dollars are not used for donations.

Bruce Anderson a resident of Fox Run expressed concerns about prairie dogs and dead trees at the park in Fox Run. Anderson is very frustrated because his calls are not returned and he doesn't feel that his concerns are being addressed.

Frederick High School Robotics Team thanked the Board for their sponsorship

in 2009 that sent them to the World competition. Their coach has left and they found a box that contained a plaque that was to be presented to the Town thanking them for sponsorship. In 2009, the Robotics team placed 41 out of 100 in the division and they placed 6th this year. The team also presented the Board with a picture of the robotics team at this year's world competition.

John Parker told the Board that he came before them a month ago regarding trucks on CR 7 and he has had no response from the Town. He would like to get some direction on what is being done.

Keith Kettler read a statement he had prepared in opposition to the RTD transit study. He is opposed to the Town spending any monies to have this study prepared and would like the Board to look at other options for transit solutions.

Gerridette Schiavone would like to rent the house that the Town owns located at 318 4th Street. Schiavone owns a dry cleaning business in Golden and this location would be a drop off and pick up facility for her dry cleaning. She is already doing the dry cleaning for the Police Department and giving many of the proceeds back to the community. She will need to move in tomorrow.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Miners Day was a wonderful success. Thanks to all who contributed this great event, also reported on upcoming Board of Trustee Work Sessions. The Administrative Services Department provided information about Budget preparation, 2009 Audit and Utility Billing with only 37 water shut offs this month. Human Resources provided information regarding the Recruitment update for Community Service Officer position and part-time Police Secretary position as well as a benefits update. They are working to get bids to mitigate the rising costs of health benefits which are predicted to increase by 14.3%. The Court Division provided information about the Community Service/Corrections Program. The Engineering Department provided information about the Frederick High School Construction, Raspberry Hill Residential Phase 3A and new construction of public improvements, Bids for the Wind Sculpture Landscaping, Asphalt Patching and Concrete repair, Milavec Lake diversion and Colorado Water Conservation Board Grant. The Police Department provided information about the Juvenile Assessment Center of Weld County and the Emergency Management Training Exercise taking place this Thursday in Bear Industrial Park. The Public Works provided information about Miner's Day, Fall Community Clean-up Day and General Maintenance.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. Samson also provided information on a political debate on Thursday afternoon and evening at the Radisson Hotel in Longmont.

ACTION AGENDA:

AM 2010-090, Acceptance of the 2009 Audit as Prepared by Dan Schommer,

C.P.A., of Watkins & Schommer, Inc. Administrative Services Director, Bryan Ostler presented the auditor's report stating that Dan Schommer was unable to attend the Board meeting tonight due to a conflict in his schedule, however the audit must be sent to the State by 30 September 2010.

Mayor Pro Tem Carey was concerned that Mr. Schommer was not in attendance. Mayor Doering stated that he spoke with Mr. Schommer and strongly recommended that he attend the Board Meeting, but he had already scheduled a conference that is mandatory for CPAs.

Mayor Pro Tem Carey made a motion to accept the 2009 Audit as Prepared by Dan Schommer, C.P.A., of Watkins & Schommer, Inc. Trustee Wollack seconded the motion. All in favor, motion carried.

AM 2010-089, Discussion Regarding Medical Marijuana Regulation In May 2010, the Board of Trustees adopted a resolution extending a moratorium on the acceptance and approval of commercial medical marijuana operations and licensing within the Town. On June 6, 2010, Colorado's Governor signed HB 10-1284, which was passed by the State Legislature in May and created a substantial body of state law regulating commercial medical marijuana operations. Neither HB 10-1284 nor the Town's current moratorium regulates primary caregivers beyond offering basic parameters. The role of a primary caregiver presents an opportunity for abuse leading to a loophole around local government opting-out of permitting medical marijuana operations. As such, the Town is considering how to honor the intent of the voters in 2000 passing Amendment XX while limiting the opportunity for abuse by primary caregivers.

Section 14 of Article XVIII, Colorado Const., was added in 2000 and in 2009 medical marijuana operations began appearing in larger numbers. The General Assembly passed HB 10-111284 in May 2010 and the Governor signed it in June, adding regulatory structure of Colorado's Medical Marijuana industry. The Bill focused mostly on commercial operations, creating three classifications from the previous "dispensary" classification. Most substantially, the Bill granted local governments the ability to "opt-out" of allowing commercial operations within their jurisdictions.

Motion by Mayor Pro Tem Carey to adopt Resolution 10R033, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, TO SET A PUBLIC HEARING FOR OCTOBER 26, 2010 REGULAR BOARD MEETING FOR DISCUSSION REGARDING MEDICAL MARIJUANA REGULATION, Trustee Wedel seconded the motion and motion carried unanimously.

AM 2010-091, To Consider Entering into a Rental Contract for 318 4th Street
The property at 318 4th Street is owned by the Town and has been vacant since April 2010. Since that time, the only advertisement used has been a "For Rent" sign placed in the front window of the property. No legal business owners have inquired about the property until the call yesterday from Ms. Schiavone. Multiple calls have been received from people inquiring about renting the property as a residence. The property is currently zoned C-N, Commercial Neighborhood, therefore use as a single family residence is not

permitted.

The proposed use is for a dry cleaning drop off and pick up business to be run by Gerridette Schiavone. The actual dry cleaning business is located in Golden, however, Ms. Schiavone has been looking for a drop off/pick up site. Ms. Schiavone intends to have her business on the main area of the property while living in the rest of it. The Land Use Code classifies this as a mixed use and it is a permitted use in the C-N zone. Should the business not be successful and close, Ms. Schiavone would not be allowed to live in the building without the business.

Trustee Wollack made a motion to accept the rental proposal for 318 4th Street pending the background check. Trustee Wedel seconded the motion. All in favor, motion carried.

CONSENT AGENDA

Motion by Trustee Wollack to approve the Consent Agenda with the following items; Approval of List of Warrants for September 28, 2010 and Approval of the September 14, 2010, Special and Regular Meeting Minutes, Trustee Shiers seconded the motion and motion carried unanimously.

MAYOR AND BOARD REPORTS

Mayor Doering thanked everyone for a very successful Miner's Day, reminder of budget meeting next week from 6PM until 8PM, CML dinner tomorrow. Mayor Doering asked staff to respond to Mr. Anderson regarding the dead trees and prairie dogs as well as to Mr. Parker regarding his concerns about CR 7. Would like to appoint someone to serve as the Town's representative to DRCOG. They meet the 1st and 3rd Wednesday of the month. Asked for volunteers. Trustee Wollack volunteered to be the Town's representative. Trustee Skates made a motion to appoint Trustee Wollack as the Town's representative to DRCOG. Trustee Burnham seconded the motion. Mayor Pro Tem Carey, Trustees Wedel, Burnham, Schiers and Skates voted yes. Trustee Wollack voted no. Motion carried. Mayor Doering then asked for a volunteer as an alternate. Trustee Wedel volunteered to be the alternate. Trustee Wollack made a motion to appoint Trustee Wedel as the alternate representative to DRCOG. Trustee Skates seconded the motion. Mayor Pro Tem Carey, Trustees Wollack, Skates, Burnham and Shiers voted yes. Trustee Wedel voted no. Motion carried.

Trustee Wollack Reminder that Homecoming is this Friday. The parade is at 4PM. He too commented on Miner's Day stating that the success of the day would not have been possible without the Board of Trustees, staff and the mayor. It was unfortunate that the balloon launches had to be cancelled. The Miner's Day Commission will be meeting on October 7th to start planning for next year. There is a possibility that the event will be moved to Centennial Park, as we have outgrown Crist Park. Trustee Wollack then mentioned the Barbed Wire issue and asked what other options there are. Mentioned that he is concerned that staff is not returning calls to residents addressing the residents concerns.

Mayor Pro Tem Carey trying to put together a balloon rally and is making

progress. Will be issuing refunds. Clean-up day, does staff tell people where they can take the items that the Town won't take? Concerned about reserves for the Town and just how low is the Town willing to go? Emergency exercise, feels there should be a review of the Board's roll and certification. Review of the Town Administrator's contract needs to be done in Executive Session on October 12, 2010. Mayor Pro Tem Carey made a motion to schedule an Executive Session to review the Town Administrator's contract on October 12, 2010 after the regular meeting. Trustee Burnham seconded the motion. All in favor, motion carried. Addressed Mr. Kettler's concerns about money spent on the transportation plan. Monies were minimal and split between Dacono, Firestone and Frederick.

Trustee Burnham addressed Mr. Kettler's concerns as well regarding the feasibility study. The Town is looking at other options than RTD. Talked about Cyril's interpretation for medical marijuana. Wants to know what the Town's response is to prairie dogs, to maintain and control health and safety issues.

Trustee Schiers said that Miner's Day was fantastic, she's received many comments regarding the fireworks. Mentioned the 20% increase in tax. Wants to know why appliances are not allowed to be brought to clean-up day.

Trustee Wedel stated that Miner's Day was great, the community and staff did a great job. 9 News segment on Community Service Program in Castle Rock.

Trustee Skates said he was happy to be a part of the Miner's Day celebration and would like to be a bigger part next year. Tri-Town Seniors would like to take an active part as well. He said that he submitted his resignation letter for Parks & Open Space Commission, but he would like to remain on the Commission. According to the By-laws there cannot be a Board member on this Commission. He mentioned that he attends the meetings of the CV Resource Network and would like to unofficially report back to the Board the results of these meetings.

There being no further discussion, Mayor Doering closed the regular meeting at 9:45p.m.

Kathy Larson

Approved by the Board of Trustees

Eric E. Doering, Mayor